

SERVED MAR 27 1986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD MAR 27 P2:50

Administrative Judges:

- Alan S. Rosenthal, Chairman
- Dr. W. Reed Johnson
- Howard A. Wilber

OFFICE
DOCKETING
March 27, 1986

_____)
 In the Matter of)
)
 CLEVELAND ELECTRIC ILLUMINATING)
 COMPANY, ET AL.)
)
 (Perry Nuclear Power Plant,)
 Units 1 and 2))
 _____)

Docket Nos. 50-440 OL
50-441 OL

ORDER

We grant the motion of intervenor Ohio Citizens for Responsible Energy (OCRE) for leave to reply to the responses of the applicants and the NRC staff to OCRE's motion to reopen the record in the Perry operating license proceeding. Accordingly, the reply attached to that motion has been accepted for filing.

In a March 20, 1986 memorandum and order, we announced an intention to hold a limited hearing to aid our determination respecting the safety significance of the question that OCRE now seeks to raise with regard to the adequacy of the Perry facility's seismic design. In this connection, we identified (at pp. 9-13) certain matters that we specifically desire the applicants and the staff to focus upon in their prehearing written submissions and at the hearing itself. In essence, these matters concern the

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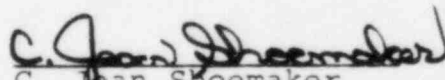
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characteristics and potential of the 1986 Ohio earthquake that is at the root of the OCRE motion to reopen the record.

In our view, nothing in the OCRE reply warrants alteration in the portion of the March 20 order that dealt with what the applicants and the staff are, at minimum, to address both in writing and through qualified witnesses at the hearing. That order is, however, being modified in one minor respect. At OCRE's request, the prehearing conference with the parties will be conducted by telephone at 10:00 a.m. on Thursday, April 3, 1986 (instead of on April 8).¹ Each party should notify the Secretary to this Board of the name(s) and telephone number(s) of the person(s) who will participate in the conference on its behalf. Such notification can be either by telephone or by letter, but must be received by the Secretary no later than 5:00 p.m. on April 1.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board

¹ We understand that, in a written filing not as yet received, OCRE asked that the conference be held on April 4. That date not being convenient to the Board, with the consent of the parties it is being held on April 3.